

REPORT

OF THE

COMMITTEE ON THE JUDICIARY.

RELATIVE TO THE

ABOLITION OF SLAVERY IN THE DISTRICT OF COLUMBIA

AND IN RELATION TO THE

COLORED POPULATION OF THIS COUNTRY.

—*—*—*—

Mr. SMITH, of Franklin, Chairman.

READ IN THE HOUSE OF REPRESENTATIVES, JUNE 24, 1839.

HARRISBURG:

BOAS & COPLAN—PRINTERS.

1839.

REPORT.

MR. SMITH, of Franklin, from the committee to whom was referred a number of petitions, signed by citizens of this commonwealth, praying for the abolition of slavery in the District of Columbia, and on other subjects in relation to the coloured population of this country, made the following

REPORT,

That they have not, on account of their various and important other duties, been able to bestow that inquiry and attention on the several matters now under consideration, which their vast importance and the number and respectability of the petitioners demand. The welfare and happiness of the country however, seem to require the expression of legislative opinion on these exciting and perplexing subjects. Your committee do not desire to shrink from the discharge of any duty devolving upon them from the position they occupy; they will, in a calm manner, endeavour to state their views on the several petitions referred to them, and however adverse these views may be to those of the petitioners, yet it is confidently believed that they are in accordance with the best interests of the Union, and will be sanctioned by a large majority of the people of this and of the other states.

Slavery existed in the ancient Roman and Grecian Republics in all its deformity, and no doubt contributed its share to their gradual decay and final ruin. The American Republic is cursed with the same appalling and growing evil, which hangs like an incubus on her otherwise prosperous and glorious destiny. But the people of this country are not answerable for its origin and introduction within her territory. This sin lies at the door of Great Britain and other foreign powers. The first emigrants to America were of the white race, chiefly from the mother country, and were devoted to the principles of free government. The introduction of the African race among the colonists, is known to have been against their consent, and was the result of foreign avarice. An excellent writer on the constitution, speaking of the slave trade says, "It is well known that it constituted a grievance of which some of the colonies complained, before the revolution, that the introduction of slaves was encouraged by the crown; and that prohibitory laws were negatived." The original draft of the Declaration of Independence, by Mr. Jefferson, contains a very strong and remarkable clause on this subject, evincing the views and feelings of the people at that time, and affording ample evidence to exculpate the colonists from the sin of introducing slavery into the colonies. In this original draft the slave trade is denounced "as a piratical war."

fare, the approbrium of infidel powers, and the warfare of the Christian King of Great Britain determined to keep open a market where men should be bought and sold ;" and it is added that "he (the King) has prostituted his negative for suppressing every legislative attempt to prohibit or restrain this execrable commerce."

Thus introduced into the colonies, the Africans were bought and sold as slaves ; and the people who fled from tyranny, in their native land, became, in a degree, familiarized to their servile and degraded condition. The horrible traffic in human beings, was prosecuted by foreign nations without restraint. When the constitution of the United States was adopted, this traffic was carried on with the sanction and encouragement of every civilized nation of Europe, and by none with more eagerness and enterprize than England. At this period, the framers of that constitution determined to lay a sure foundation for the abolition of the slave trade, by introducing into it a clause giving Congress the power, after the year 1808, to prohibit the migration and importation of slaves. This power Congress has long since exercised, by passing laws with severe penalties for the total abolition of the slave trade. The writer on constitutional law before quoted, in commenting on this clause of the constitution says, "It is to the honor of America that she should have set the first example of interdicting and abolishing the slave trade in modern times ; and further says, "America stood forth alone, uncheered and unaided, in stamping ignominy upon this traffic, on the very face of her constitution of government, although there were strong temptations of interest to draw her aside from the performance of this great moral duty." Mr. Madison, in one of the numbers of the *Federalist*, speaking of this same clause, holds this language—"Happy would it be for the unfortunate Africans, if an equal prospect lay before them, of being redeemed from the oppression of their European brethren." But although the abolition of the foreign slave trade, so far as America was concerned, was provided for and carried into effect, yet domestic slavery was rivited upon her by the selfish and mischievous policy of the mother country. In the formation of the constitution many difficulties were encountered, and its final adoption was the result of compromise and concession. In this spirit of compromise and concession, several provisions were introduced for the express benefit of those states where the institution of domestic slavery was established. It is not for us to suppose that these provisions should have been omitted, it is enough for us to know that they were the requisite, and that if they had been omitted we probably would not now be enjoying the blessing of ~~the union of these states~~ from the union of these states. Thus recognized, slavery existed at the adoption of the constitution. The general government has no power to abolish it in any of the states. This can only be effected by state legislation. Several of the states have long since passed laws, under the benign operation of which, the gradual abolition of slavery within their limits, has been or is about being effected. But in other states of the Union it still exists, and is recognized not only by their own constitutions and laws, and the consti-

tion and laws of the United States; but impliedly at least, if not expressly, by the laws of every other state—for every state is constitutionally bound, with good faith, to carry into full effect the provisions of the constitution of the United States, which were adopted for the benefit of the slave holding states. Under such circumstances the committee cannot consent to consider the question of the abolition of slavery, in the other states of this Union, or in the District of Columbia, as a mere abstract question to be determined by the dictates of natural justice, of humanity, of religion and of the best feelings of the human heart. If the committee felt themselves at liberty to act from these motives, they would rejoice in the opportunity, as well as privilege, of recommending the total and immediate emancipation of every man, woman and child held in bondage, so that they might be as free as the air which they breathe. This question, however, must be viewed in a constitutional and legal manner—must be discussed and considered in reference to the provisions of the constitution and laws of the other states as they really and actually are, and not as we may think they ought to be.

The several objects of the petitioners may be said to be of two kinds. Those which they desire to be effected by *state* legislation; and those which they desire to be effected by *federal* legislation. For this purpose they request the passage of several laws by the legislature; and the passage of several resolutions recommending to our senators and members in congress to pass certain laws which they specify.—The committee will first consider the petitions which request *state* legislation.

Several of these petitions pray that a law may be passed to *abolish all distinctions of color*. The only meaning the committee can attach to this language is, that a law may be passed putting the negro on a political, social, and civil equality with the white man. These petitioners manifest a great deal of zeal in the cause in which they are engaged, without much knowledge. To raise the negro to a political equality with the white freeman, would be unconstitutional. The right of the former to exercise the privilege of voting at elections, was formerly enjoyed, in some parts of the state, but denied in other parts. As the number of the colored population, however, increased, public inquiry and opposition to its enjoyment were excited. The subject was finally brought before the Supreme court, and the decision of that court deliberately formed was adverse to the exercise of such a privilege. Not long after this decision, the convention of delegates assembled to form a new constitution. This convention, amongst other important amendments, proposed one which confined the right of suffrage to the *white* freemen of the state. This amendment so important in its character and effects, received the solemn sanction of the people, and is now a part of the constitution which we have all been sworn to support. The negro then cannot constitutionally be elevated to the rank of an elector—he is not permitted to participate in the exercise of the sovereign power of the state—he is politically inferior to the *white* freeman; and if the members of this

legislature were to pass a law elevating him to an equality with the latter, they would do so in violation of their oaths and the constitution. In other respects, however, so far as the operation of the laws are concerned, the negro is put on an equality with the white man. The same laws equally protect the persons, the liberty, the property, the reputations and the lives of both. They make no distinction between the two. If the negro does not participate in the choice of those who make the laws and who administer them, yet he enjoys all the blessings and advantages of the protection of those laws which are made to operate with equal force and effect as well upon those who do participate in such choice as upon himself. But in other respects the colored population certainly occupy an inferior grade in society, and no law that can be passed, contrary to public feeling and sentiment, can elevate them to a higher grade. This is not to be effected by legislation. What do the petitioners propose should be done to effect their object? What particular kind of law do they desire? They deal altogether in generalities. How can the distinctions of color be abolished without breaking down all the barriers of society, doing violence to public feeling, to public decorum, and to the established customs and usages of the land? Any law that would propose to do this, would remain a dead letter on the statute book; and the representative who would give it his sanction would probably never be called on to participate in the passage of another. Before the object of the petitioners could be effected a total revolution would have to take place in the feelings, the habits, the sentiments and the prejudices of the people. But suppose all this was accomplished and the African race should become equal in numbers or nearly so, with the white population; would there be no danger of collisions between the two? Nature herself by a broad line of distinction, has separated the two races. This separation has been widened, fortified and perpetuated, by a deep rooted prejudice, feelings of animosity, the habits and customs of society, and by an abiding sense of wrong and injustice which the inferior race conceive they have sustained at the hands of the other. The equality which the petitioners wish to establish could not be maintained. A fearful and desperate struggle would take place for the mastery. Who could tell the result? But the subject is a painful one and the committee will not pursue it.

Petitions, numerous signed, are before the committee, praying for the passage of a law, granting the right of trial by jury to all human beings in cases where liberty is in question. The object of these petitions is to grant a jury trial to fugitives from labor from other states. This is a subject of vast importance and of general concern to the whole country. An attempt was made, in the late reform convention, to introduce such a provision into the new constitution, but after full argument, and mature deliberation, it was rejected. The committee do not hesitate to say that the prayer of the petitioners cannot be granted, without violating the constitution and laws of the United States, and endangering the peace, prosperity and integrity of the Union. The constitution of the United States is as follows: "No person

"held to service or labor in one state, under the laws thereof, esca-
 "ping into another, shall in consequence of any law or regulation
 "therein, be discharged from such service or labor, but shall be de-
 "livered up, on claim of the party to whom such service or labor
 "shall be due." It is evident that this provision was introduced sole-
 ly for the benefit of the slave holding states; and is an evidence of
 that compromise and concession in which the constitution was adop-
 ted. Without it the union of the states could not have been estab-
 lished, at least not on a permanent basis. No such provision was
 contained in the article of confederation. But the want of it was
 felt as an intolerable inconvenience by the slave holding states.
 When reclamations of fugitives from labor were made, by their ow-
 ners, in the non slave holding states, either no aid was furnished them,
 or they were met with open resistance. This provision, indeed, was
 a sacrifice made by the northern and middle states to secure the bles-
 sings of the union, and as long as these blessings continue, that sac-
 rifice should continue to be renewed, on the altar of public good, in the
 same spirit in which it was originally offered. This provision evi-
 dently contemplates that the fugitive is to be delivered up on a sum-
 mary proceeding without the formality of a trial at common law. If
 the fugitive have a right to freedom, he can have the question tried
 in the state to which he is removed. By the constitution, the fugitive
 from justice is to *be delivered up* on demand of the executive of the
 state from which he fled. As well might a jury trial be claimed for
 him as for the fugitive from labor. The language, in relation to them,
 is the same, and was intended, in both cases, to affect a delivery, by
 summary proceedings, on *prima facie* evidence of guilt, in the one
 case, and of servitude and ownership in the other. The federal
 powers on these subjects are plenary and exclusive. Within a few
 years after the adoption of the constitution, an act of congress was
 passed, sanctioned by President Washington, to carry into practical
 operation, the powers vested in the federal legislature, on the subject
 of fugitives from labor. By this act, the owner, his agent, or attorney
 is authorised to *seize or arrest* the fugitive wherever he may be found,
 and take him before any judge of the circuit or district courts of the
 United States, or before any magistrate of a county, city, or town
 corporate wherein such seizure or arrest may be made, and upon
 proof to the satisfaction of such judge or magistrate, that the fugitive,
 under the laws of the state from which he fled, owes service or labor
 to such owner, it is the duty of such judge or magistrate to give a cer-
 tificate thereof to such owner, his agent or attorney, which shall be a
 sufficient warrant for removing such fugitive to the state from which
 he fled. The fourth section, inflicts a severe penalty on any person,
 who shall knowingly ~~obstruct or hinder such owner, his agent, or at-~~
 torney in *seizing or arresting* the fugitive. This was ~~approved~~
 and sanctioned by some of the men who were in the convention that
 framed the constitution; and with the provisions of that instrument so
 fresh before them, has now been in operation for near half a century,
 and its propriety or constitutionality has not been questioned, until

recently. The validity of this act of congress, was recognized by the supreme court of Pennsylvania, as early as 1795. In the prosecution commenced and carried on with great zeal and energy against Samuel Richards, by the society for the abolition of slavery, Chief Justice M'Kean holds this language: "But, upon the whole, we are unanimously of opinion, as soon as it was proved the negro was a slave, that not only his master had a right to seize and carry him away; but that in case he absconded or resisted, it was the duty of every magistrate to employ all the legitimate means of coercion in his power, for securing and restoring the negro to the service of his owner, whithersoever he might be afterwards carried." The act of Congress is again recognized as the law of the land, in 1816, in the case of the commonwealth against Holloway, tried before the judges of the supreme court—chief justice Tilghman, judge Yeates, and judge Gibson composing the court. In the case of Wright against Hall, in 1819, in the same court, the act of Congress came directly before the court and was fully recognized in all its provisions. Chief justice Tilghman in delivering the opinion of the court says, "it plainly appears from the whole scope and tenor of the constitution and act of Congress, that the fugitive was to be delivered up, on a summary proceeding, without the delay of a formal trial in a court of common law. But if he had really a right to freedom, that right was not impaired by this proceeding; he was placed just in the situation in which he stood before he fled, and might prosecute his right in the state to which he belonged." And again, speaking of the certificate granted, for the removal of the fugitive, in conformity to the act of congress, he says, "That certificate therefore was a legal warrant to remove the plaintiff to the state of Maryland. But if this writ of *homine replegiando* is to issue from a state court, what is its effect, but to arrest the warrant of judge Armstrong and thus defeat the constitution and law of the United States?" "The supreme courts of New York and Massachusetts have also given their judicial sanction to this act of Congress; and all the writers on constitutional law, to which the committee have had access, treat it as the undoubted law of the land, binding in all its regulations, on the people of the United States.—Many other authorities might be cited, but the committee deem those referred to amply sufficient. To grant a jury trial to fugitives from labor would be an abortive attempt to contravene and violate the constitution of the United States, and would be considered as an act of direct hostility to the interests of the slave holding states, and would be the means of greatly increasing that prejudice and ill feeling which already unhappily have existence. If fugitives from labor were entitled to a jury trial in Pennsylvania, their number would be increased four fold, and the time of our courts would be taken up in trying their right to freedom; unnecessary and vexatious delays would take place—the owner would be put to immense loss in sustaining his rights; and the whole slave holding community would become hostile to Pennsylvania and treat the law as an intolerable grievance. Measures of retaliation would be resorted to; and that friendly intercourse

and mutual good will and confidence, which should be cherished between this and the other states would be destroyed, and dangerous collisions would frequently occur. The act passed in 1780, for the gradual abolition of slavery in this state, and several years before the adoption of the constitution of the United States, made provision that nothing therein contained should give relief or shelter to any absconding or runaway slave from any other states; but that the owner should have the like right and aid to demand, claim and take him away, as he had before the passage of the act. The act of the 17th March, 1820, to prevent kidnapping, prohibits justices of the peace and aldermen from taking cognizance, under the act of Congress, of fugitives from labor. The last act on the subject of kidnapping and fugitives from labor was passed the 25th March, 1826. This act has been much complained of by some of the slave holding states. It is alleged by them that some of its provisions are repugnant to the constitution of the United States, and the act of Congress, and therefore inoperative and void so far as this repugnance exists. The state of Maryland has sent a delegate during this session, who, in a manner friendly and conciliatory, and becoming the dignity as well of the state he represents as this state, has communicated his reasons for the opinion entertained, by his state, of the character of this act. It is for the wisdom of the legislature to take such measures on this subject as may be deemed just and proper.

Some of the petitioners pray that all acts of Assembly within this state, not expressly required by the constitution of the United States which authorize or sanction the existence of slavery within this state, or which permit slaves to be brought into the state and here held in bondage for any period whatever, may be forthwith repealed. The act of 1780, for the gradual abolition of slavery, was the work of the patriots and philanthropists of the revolution, and is one of the brightest pages of our history.

Their fondest anticipations of its beneficial results have been amply realized. The experience of more than half a century, has proved its wisdom and benevolent character. The committee cannot conceive that any additional legislation is necessary. By the provisions of this law every negro or mulatto child born after the first day of March 1780, was declared to be free; and all negroes or mulattoes born before that period, and then held as slaves, were required to be registered within a particular period, and if not registered according to the act they became free. None then, under any circumstances, can be held as slaves, except those born before the date of the act, and those who are so held must necessarily be more than fifty-nine years old and most of them much older. The committee have no means of ascertaining their exact number, but it must be very inconsiderable, and by the course of nature ~~rapidly decreasing~~. By the humane provisions of the law, their owners or their heirs, ~~executors, administrators~~ or assigns are liable for their support and maintenance, unless where they were manumitted before the age of twenty-eight. What would the petitioners have done for these superannuated beings?—

They have now a legal claim for support on those who have been benefitted by their labors and services during their years of vigor and prime of life; and they should not be set adrift in the world to live out the remainder of their days in misery and want. This would be a relief to the master and not to the slave. All slaves brought into the state by persons inhabiting or residing here or intending to reside here are immediately free. Those brought into the state by persons passing through or sojourning in the state are also free, if retained in the state longer than six months except in the case of members of congress, foreign ministers and consuls.

Other petitioners pray for the passage of a law more effectually to prevent all willful or malicious disturbance of public meetings, lectures or assemblies, whether political or otherwise, and also a law requiring adequate remuneration to be made through imp. tribunals to all individuals or their lawful representatives who be injured in person or estate by riots or mobs in any part of this commonwealth. The scenes of riot and disorder which have occurred in this state for some years past, in consequence of meetings held and lectures delivered on the subject of the immediate abolition of slavery, are to be deeply deplored, and every good citizen should endeavor to prevent their repetition. The laws are made for the protection of all, and should be enforced whenever they have been violated. The committee however deem the existing laws amply sufficient for the peace, security and welfare of the country. The defect is not in the laws but in their administration, and in the conduct of those who provoke their violation. In a country of laws like ours every respect and obedience to them should be carefully inculcated and rigidly exacted. Every man should cheerfully submit to them. His peace, his happiness, his property, his reputation, his liberty and his life depend upon their protection. Every symptom of insubordination should be carefully suppressed. The laws are the result of the sovereign will of the people, and receive all their power and sanction from their virtual or actual consent. The permanency and prosperity of the federal and state governments, so excellent in their structure and operations, depend on the due regard to, and judicious administration of the laws. Let it be the duty of every magistrate and every private citizen to afford his assistance and influence in their due execution; and let it also be their duty to abstain from the propagation of opinions and sentiments inimical to the peace of the country, and to the integrity of the union, and from holding public meetings which, from their obnoxious character have a direct tendency to produce disorder, violations of the peace and riots, and such complaints as are contained in the petitions now under consideration will soon cease to be made.

Some of the petitioners pray that resolutions may be passed declaring that congress has a constitutional power to abolish slavery in the District of Columbia, in the several territories, and to prohibit and abolish the slave trade between the several states, and that such power should be immediately exercised; and also pray that a resolu-

tion may be passed protesting against the annexation of Texas to, or the admission of any new state into the Union, whose constitution tolerates domestic slavery. The committee, after such examination and reflection as they have been enabled to give these subjects, have come to the conclusion that it is inexpedient to pass the resolutions desired by the petitioners. The annexation of Texas to the Union is not before congress. The propositions of union made by that republic have been formally withdrawn by her constituted agents; and it is deemed altogether gratuitous and inexpedient to agitate the question when it may be those propositions will not be renewed.

The constitution provides that "new states may be admitted by congress into this Union." The committee are not aware that any application for admission is pending before congress. The power of admission is one of very important character, and involves in its exercise the consideration of the best interests and destinies of the American nation. The committee would not undertake to decide, in anticipation, the question of admission of any new state into the Union, and of what particular features her constitution should be in order to entitle her to admission. The painful and dangerous excitement in 1820, which agitated the nation from one end to the other, on the Missouri question, is well recollected. The final admission of that state was effected by compromise, the principles of which are considered by some as obligatory and applicable in the admission of future new states. By this compromise, the question of admission may depend on the geographical position of the state to be admitted. The committee do not pretend to say whether this compromise is binding or not. They think it time enough to discuss the question whenever it arises on an application for admission. "Sufficient unto the day is the evil thereof."

The power of congress to abolish and prohibit the right of trading in slaves, from one state to another, has been denied by the slave holding states. Its exercise would be considered as an unconstitutional act, and as a violation of an undoubted right. Those who claim this power for congress, base it on that part of the constitution which gives it power to regulate commerce among the several states. But a power to *regulate* certainly does not carry with it a power to *abolish* and *destroy*, which the petitioners have in contemplation. Congress cannot abolish slavery in any of the states, nor interfere with the rights of the owner. The property which the owner has in his slave is recognized by law, and as to the right of disposal it is as unlimited and absolute as it is in any other property. The prayers of the petitioners certainly ought to be granted if it could be constitutionally done, and so as not to interfere with the internal regulations of any of the states. The committee do not wish to be considered as denying or affirming the power of congress, but they have no hesitation in saying, that it is unwise and inexpedient at present to pass a resolution affirming such power in congress and recommending its immediate exercise.

The committee do not intend to discuss the subject of the mere

abstract power of congress to abolish slavery in the District of Columbia, but they have come to the conclusion that such a power should not be exercised without the consent of its inhabitants. Congress has repeatedly and solemnly refused to interfere, and as often declared their want of power. As early as 1790, a resolution was passed "That congress has no power to interfere in the emancipation of slaves, or in the treatment of them, in any of the states, it remaining with the several states alone to provide any regulations therein which humanity or policy may require." The same opinions have been expressed on every occasion when necessary, ever since. In 1836, the house of representatives declared "that congress ought not to interfere in any way with slavery in the district of Columbia, because it would be a violation of the public faith, unwise, impolitic, and dangerous to the Union." At the same session, the senate rejected abolition petitions by a very large majority. The institution of slavery in the states is municipal and not national, and belongs exclusively to the states. Among the powers conferred on congress is one "to exercise exclusive legislation, in all cases whatever, over such district, not exceeding ten miles square, as may by cession of particular states, and the acceptance of congress become the seat of the government of the United States." The first congress met, under the constitution, on the 4th of March, 1789, and the government was then organized. The general powers of the government were from that period exercised; and the union of the states was complete. These general powers extended over the "ten miles square," as well as over other parts of the United States. The cession from Virginia was not made until the 3d December, 1789, and that from Maryland was not made until the year 1791, and the district did not practically become the seat of government until 1800.

The legislation of the federal government is obviously of two kinds—general and local. All the people of the United States, including those of the district, are the objects of the former, whilst the people of the district only are the objects of the latter. The purpose for which the cession was made and accepted was that the ceded territory might become the *seat of the federal government*. Congress certainly have the right to pass all laws necessary to make the district the safe and convenient seat of government. It is, however, not pretended that the abolition of slavery therein is necessary for this purpose. If slavery is abolished at all therein, it must be done by congress as its local legislature. As the local legislature, congress is just as much bound to represent the people of the district, as the legislatures of the several states are bound to represent their respective inhabitants. If congress were to make laws for the district without regard to the wishes of the people therein, it would be the very essence of tyranny—and a tyranny, too, which could not be resisted or removed, because they have no voice in the election of their lawmakers. Until they desire the abolition of slavery, congress should abstain from meddling with it. What right have the people of Pennsylvania or any other state, to give instructions to congress

what that body shall do or not do in the local legislation of the district? If a state can thus interfere in one species of property, they can in another.

However repugnant to our feelings, it may be yet the laws of the country, sanction property in slaves. It is sanctioned by nearly two centuries of legislation. The people of the district have as good a right to be protected in this, as in any other property. There are about 6.00 slaves in the district, worth at least two millions and a half of dollars. If we instruct our members in congress to liberate them, we should at the same time provide the means of remuneration to their owners. Where is this money to come from? Congress would not feel authorized to apply the public funds to this object, at least not without the consent of their constituents. The slave states will not give their consent to such an application of the public funds, because the very object of the application they would regard as a great injury. The provision of the Constitution of the United States, which says "private property shall not be taken for public use without just compensation," applies as well to the people of the district, as to the people at large. They are parties to that instrument. They were represented in the convention which framed, and in the conventions of Virginia and Maryland, which adopted the constitution. Their rights of person and property are guaranteed. By the cession no pre-existing right was abrogated. This provision is binding on congress, not only as the general but as the local legislature. The right of the master to the labor and services of his slave is private property, which cannot be taken from him, without his consent, unless for public use, and by making just compensation. But what public use, within the district, is to be made of this species of property proposed to be taken? Congress, as the local legislature cannot take it, unless for some public use within the district. Indeed it is not proposed to apply it to *any* public use, but to annihilate it altogether without compensation and without the consent of the owners. Several of the states were desirous of having the seat of the national government within their borders. Proposals were made to congress from New York, Pennsylvania, Massachusetts and other states. Suppose congress had accepted the offer of Philadelphia, or the city of New York, or of Boston as the seat of Government, their legislative power over either of those cities, would have been *exclusive* in the same manner as it now is over the District of Columbia. If under this power, congress has the right to *abolish* slavery in the District without the consent of the inhabitants, it would seem to follow that if either of those cities had been made the seat of government, that body would have had the power to *establish* slavery therein without the consent of her inhabitants. The people of the north would have regarded such an exercise of the power of congress as a palpable violation of their rights. The abolition of slavery in the District, as long as it exists in Virginia and Maryland, would be a breach of good faith towards these states. These states, in making the cession of parts of their territories for the seat of Government, did so with a

view to their own advantage, as well as with a view to the advantage of the other states. The cession was made by them under the implied faith and confidence, that congress would not exercise the powers of legislation over the ceded territory to their injury. In accordance with this implication, the laws of those states which existed at the time of the cession, remain with very few exceptions untouched by congress, and are yet in full operation. But the abolition of slavery within the district would be injurious to the ceding states. The district would become an asylum for runaway slaves; the favorite haunt of the indolent and unemployed blacks—and the seat of want, distress, disorder and crime. This would be to the manifest injury of Virginia and Maryland. But it is manifest that the object of the petitioners is not confined to the district of Columbia; their real object is the immediate abolition of slavery in all the states where it is tolerated. The batteries of abolitionism are to be established in the district, which is to become the centre of its operations. To the *immediate* abolition of slavery in the United States, there are serious and insurmountable obstacles. Congress has no power to effect it; it is exclusively within the power of the states themselves. There are in the United States at least *three millions* of slaves. They are part of our population. In some of the states they constitute a majority. If they were at once set free in these states what would be the consequence? A desperate struggle would be made by them to gain the ascendancy, and collisions and civil war would ensue. Besides these three millions of slaves constitute an amount of capital to their master, of not less than **TWELVE HUNDRED MILLIONS OF DOLLARS.** This capital is possessed by all classes of society, credits have been given on its faith, and it is the security of payment of debts due to persons within and without the slave states. Its annihilation without indemnity or remuneration, would lead to convulsions, revolution and war. How is this immense amount of money to be provided? Will it be furnished by those who are in favor of immediate abolition? Or is it to be raised by taxation? The free states would not consent to such taxation, much less would the slave states consent or submit to it for the purpose of paying for their own property.

The committee has thus given their imperfect views of the several matters referred to them. The subject is of vast importance to this nation. Slavery is justly deplored by every good man, as a great evil, and one which should be removed as speedily as the safety and welfare of the country will permit, but let it not be removed in a manner that will inevitably produce a greater evil. The committee offer the following resolution.

Resolved, That the committee be discharged from any further consideration of the petitions.